

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

ORD 2019-031

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7 **AN ORDINANCE BY THE CITY OF SOUTH FULTON, GEORGIA, AMENDING TITLE**
8 **4, LAW ENFORCEMENT, OF THE CITY CODE OF ORDINANCES, ENACTING**
9 **REGULATIONS WITH RESPECT TO FALSE ALARMS AND FOR OTHER LAWFUL**
10 **PURPOSES**

11
12 **(Sponsored by Councilperson Rowell)**

13
14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;

16
17 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
18 Council thereof ("City Council");

19 **WHEREAS**, a significant burden is placed on state and local law enforcement
20 resources due to responding to false alarm calls;

21
22 **WHEREAS**, the City finds that excessive false alarms unduly burden the City's
23 law enforcement resources;

24
25 **WHEREAS**, properly installed, monitored and operated alarm systems are
26 effective tools which can identify criminal offenses in progress, and will lead to a
27 reduction in the incidents of false alarms as well as enhance the safety of responding
28 law enforcement officers;

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30 **WHEREAS**, the purpose of this ordinance is to establish reasonable standards
31 for users, to ensure that alarm owners are held responsible for the proper operation of
32 their alarm systems; and

33
34 **WHEREAS**, this Ordinance is in the best interests of the health and general
35 welfare of the City, its residents and general public.

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37 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
38 **HEREBY ORDAINS** as follows:

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40 **Section 1.** Title 4, Law Enforcement, of the City of South Fulton Code of
41 Ordinances is hereby amended by creating a new Chapter 3, False Alarms, which shall
42 read as follows:

43
44 **TITLE 4 - LAW ENFORCEMENT**

45 **Chapter 3 - False Alarms**

46 **Sec. 4-3001. - Purpose and intent.**

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48 Given the undue burden placed on law enforcement providers by excessive false
49 alarms, this article is enacted to establish reasonable expectations for alarm users
50 regarding the responsible use and operation of alarm systems. The article is not
51 intended to create new or to expand existing legal obligations of the city, including
52 specifically the City of South Fulton Police Department and any of its departments, or to
53 establish a special duty or special relationship between the city and alarm users,
54 persons who own real or personal property where an alarm system is in place, and/or
55 persons who are physically present at or in the vicinity of property monitored by an
56 alarm system.

57 **Sec. 4-3002. - Definitions.**

58 The following words, terms and phrases, when used in this article, shall have the
59 meanings ascribed to them in this section, except where the context clearly indicates a
60 different meaning:

61 *Alarm administrator.* The term "alarm administrator" means an employee
62 designated by the city to administer, control and review false alarm reduction efforts and
63 to administer the provisions of this article.

64 *Alarm contractor.* The term "alarm contractor" means an individual, company,
65 and/or other entity engaged in selling, leasing, installing, servicing or monitoring alarm
66 systems for profit; such individual, company, and/or entity shall be licensed in
67 compliance with city, county and state laws.

68 *Alarm permit.* The term "alarm permit" means a registration number issued by the
69 city or its designee allowing the operation of an alarm system.

70 *Alarm signal.* The term "alarm signal" means a detectable signal, audible or visual,
71 generated by an alarm system, to which law enforcement is requested to respond.

72 *Alarm system.* The term "alarm system" means any single device or assembly of
73 equipment and devices, including a local alarm, that is designed to signal the
74 occurrence of an illegal or unauthorized entry or other activity requiring immediate
75 attention and to which law enforcement is requested to respond. Motor vehicle or boat
76 alarms, fire alarms, panic alarms, or alarms designed to elicit a medical response are
77 not considered to be alarm systems under this article.

78 *Alarm user.* The term "alarm user" means any individual, sole proprietorship,
79 partnership, company, corporation, governmental, educational, nonprofit, or any other
80 entity or institution owning, leasing or operating an alarm system, or on whose premises
81 an alarm system is maintained for the protection of such premises.

82 *Alarm user awareness class.* The term "alarm user awareness class" means a class
83 conducted for the purpose of educating alarm users about the responsible use,
84 operation, and maintenance of alarm systems and the problems created by false
85 alarms.

86 *Automatic dial protection device.* The term "automatic dial protection device" means
87 an automatic dialing device or an automatic telephone dialing alarm system and shall

include any system which, upon being activated, automatically initiates to the emergency communications center a recorded message or code signal indicating a need for law enforcement response.

Cancellation. The term "cancellation" means notice from an alarm contractor (designated by the alarm user) to the emergency communications center to terminate a law enforcement response to an alarm dispatch request under circumstances where there is no situation at the alarm site requiring a law enforcement response.

City of South Fulton Police Department. The term "Police Department" means, for the purposes of this article only, the City of South Fulton Police Department ("SFPD").

Emergency communications center. The term "emergency communications center" means the Fulton County Emergency Communications (911) Center.

False alarm. The term "false alarm" means activating an alarm system for the purpose of summoning law enforcement when no burglary, robbery, trespass, unauthorized entry or other crime dangerous to life or property is being committed or attempted on the premises, unless the request for a law enforcement response is cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. The determination of whether or not a false alarm has occurred shall be made by the responding officer.

Local alarm. The term "local alarm" means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and that is not monitored by a remote monitoring facility, whether installed by an alarm contractor or user.

Monitoring services. The term "monitoring services" means an alarm contractor in the business of receiving signals from an alarm system that is responsible to contact the alarm user to verify the nature of the alarm and/or to contact the emergency communication center for a law enforcement response.

Permit year. The term "permit year" means the annual period between January 1 and December 31.

SIA Control Panel Standard CP-01. The term "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization are to be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

Verify. The term "verify" means an action on the part of the entity providing monitoring services, prior to requesting law enforcement dispatch, to determine whether an alarm signal is valid and caused by criminal activity.

Sec. 4-3003. - Alarm registration and permit requirements.

- (a) *Registration and permit required.* Effective January 1, 2020, no alarm system shall be used unless the alarm user first registers for such alarm system within seven days of its installation with the city or its designee. For the purposes of complying with this section, an alarm contractor may register an alarm user and thereby obtain the permit for such alarm system; provided, however, that the alarm user shall ultimately remain responsible for alarm registration prior to use of the alarm system. Upon registration, each alarm permit shall be assigned a permit number. If the permit number is issued directly to the alarm user, the user shall provide the permit number to the alarm contractor to facilitate law enforcement dispatch.
- (b) *Non-transferability; new registration required.* Alarm registration is not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the new alarm user shall register his or her alarm system within seven days of the acquisition of the property or installation of a new alarm system.
- (c) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures with different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Sec. 4-3004. - Duties of the alarm user.

An alarm user shall be required to:

- 1) Register the alarm system in accordance with the alarm registration and permit requirements under this chapter.
- 2) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
- 3) Upon obtaining a permit number, provide that number to the alarm contractor;
- 4) Respond or cause a representative or other responsible party to respond to the alarm system's location within 30 minutes upon notification from the emergency communications center of the need to deactivate a malfunctioning alarm system;
- 5) Ensure that an alarm is not manually activated by the alarm user or any other person for any reason other than an occurrence of an event that the alarm system was intended to report;
- 6) Obtain a new permit if there is a change in address or ownership of a business or residence.

Sec. 4-3005. - Duties of the alarm contractor.

(a) An alarm contractor shall be required to:

- 1) Obtain and maintain required state and local license(s) and/or permits;
- 2) Maintain current contact information, including user permit numbers, which shall be provided to the emergency communications center at the time of a request for law enforcement response; and

- 165 3) Upon request, provide to the emergency communications center the name,
166 address, and telephone number of the license holder or a designee, who can
167 be called in an emergency, 24 hours a day and who shall be able to respond
168 to an alarm call, when notified, within 30 minutes.
- 169 a) For all installations on or after January 1, 2020, an alarm contractor shall use
170 only alarm control panel(s) which meets SIA Control Panel Standard CP-01.
- 171 b) Prior to activation of any alarm system, the alarm contractor must (i) provide
172 verbal and written instructions regarding the proper operation of the alarm
173 system to the alarm user and (ii) provide written information on how to obtain
174 service from the alarm contractor.
- 175 (d) An alarm contractor performing monitoring services shall:
- 176 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to
177 determine whether an alarm signal is valid before requesting dispatch.
178 Telephone verification shall require, at a minimum, that, if the first attempt fails to
179 reach an alarm user, the alarm contractor must make a second call to a different
180 number in an effort to reach an alarm user who can provide proper identification
181 and assist in determining whether an alarm signal is valid.
- 182 a. The failure of an alarm contractor, or any person or entity providing similar
183 monitoring services, to attempt to verify the alarm signal will not negate
184 the end user's responsibility for violations of Code section 62-86 and any
185 penalty or fine associated therewith.
- 186 b. Such second call for verification shall not be required in the event of a
187 panic or robbery-in-progress alarm or in cases where a crime-in-progress
188 has been verified by video and/or audible means.
- 189 2) Communicate any specific information that will assist law enforcement response
190 and investigation to the emergency communications center at the time of a
191 request for assistance.
- 192 3) Communicate a cancellation to the emergency communications center
193 immediately upon determining that a response is unnecessary.

194 **Sec. 4-3006. - Prohibited acts.**

195 Effective January 1, 2020, the following acts are prohibited:

- 196 (1) *Failure to register.* Failing to obtain, renew or maintain an alarm permit.
- 197 (2) *False alarm.* Activating an alarm system for the purpose of summoning law
198 enforcement when no burglary, robbery, trespass, unauthorized entry or other
199 crime dangerous to life or property is being committed or attempted on the
200 premises, unless the request for a law enforcement response is cancelled by
201 the alarm user or his/her agent before law enforcement personnel arrive at the
202 alarm location. The determination of whether or not a false alarm has occurred
203 shall be made by the responding officer.

(3) Installing, maintaining, or using an audible alarm system which can sound continually for more than ten minutes.

(4) Installing, maintaining, or using an automatic dial protection device that reports, or causes to be reported, any recorded message to the emergency communications center.

Sec. 4-3007. - Enforcement.

Effective January 1, 2020, enforcement for violations of this article shall be assessed against the alarm user and carried out in accordance with this section.

a) *Excessive false alarms/failure to register.* Alarm users shall be fined for excessive false alarms and/or failure to register during the permit year in accordance with the following civil fine schedule:

1 st & 2 nd False Alarm	No Fine
3 rd False Alarm	\$100.00
4 th False Alarm	\$150.00
5 th False Alarm	\$200.00
6 th False Alarm	\$250.00
7 th & 8 or More False Alarms	\$500.00

b) *Civil fines.* All violations will be enforced through the assessment of civil fines in the amounts outlined above in this chapter.

c) Failure to register an alarm will result in a civil penalty of \$100.00.

d) *Payment of civil fines.* All civil fines shall be paid within 30 days from the date of the invoice.

e) *Alarm user awareness class in lieu of a fine.* The city may, in its discretion, grant the option of attending an alarm user awareness class, as defined in this chapter, in lieu of paying a fine for the second false alarm.

f) *Limitations on responses for excessive false alarms or nonpayment.* When an alarm user has ten or more false alarms during the permit year or when the alarm user is 60 or more days delinquent on payment of any civil fine, a law enforcement response to the alarm user's permitted location will only be initiated in response to a 911 call to the emergency communications center or upon verification by the alarm contractor or user that the alarm was set off as a result of criminal activity. Routine alarm responses by SFPD will be restored under the following circumstances:

(1) When a user files an appeal; and

(2) The alarm user who has had ten or more false alarms during the permit year presents satisfactory proof to the alarm administrator that he has taken successful measures to correct the cause of the false alarms; and/or

(3) The city receives full payment from the alarm user who is 60 or more days delinquent on payment of any civil fine.

g) *Nonresponse status after appeal granted.* In the event the appeal is granted and service is restored, an additional false alarm shall cause the service to again enter nonresponse status. Additionally, the false alarm shall be penalized by a civil fine of \$300.00.

h) *Civil violation.* A violation of any of the provisions of this article shall be considered a civil violation and subject to a civil fine.

Sec. 4-3008. - Alarm user awareness class.

The city may create and implement alarm user awareness classes and may request the assistance of alarm contractors to assist in developing and implementing such classes. The classes shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms.

Sec. 4-3009. - Appeals.

(a) *Appeals process.* Assessments of civil penalties and other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the chief of police within ten days after the date of notification of the assessment of civil penalties or other enforcement decisions. The written notice of appeal shall contain the cause for the appeal and any other pertinent information relevant to the case. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decisions. The chief of police shall designate a hearing officer to hear the appeal. The hearing officer shall render a decision within five business days and give written notification of his/her decision. The hearing officer's decision may be appealed to the chief of police by filing a written notice of appeal within ten days of the decision of the hearing officer. The chief of police shall have the final decision in this matter.

(b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

Sec. 4-30010. - Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, "no response" records, applications for appeals and any other alarm records shall be held in strict confidence by all employees and/or representatives of the city. Because all alarm registration information is considered

sensitive public safety information, the same shall not be available to the public, unless otherwise required by law.

Sec. 4-30011. - Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that the response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.


THIS ORDINANCE so adopted this 12th day of November 2019.

CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY



The foregoing Ordinance No. 2019-031 was moved for approval by Councilmember Rowell. The motion was seconded by Councilmember Gilyard, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor		
Mark Baker, Mayor Pro Tem	X	
Catherine Foster Rowell	X	
Carmalitha Lizandra Gumbs	X	
Helen Zenobia Willis	X	
Gertrude Naeema Gilyard	X	
Rosie Jackson		X
khalid kamau	X	